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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,800	03/15/2001	Mark Hamilton Jones	5450 PA02	6814

7590
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6265 Greenwich Drive, Suite 103
San Diego, CA 92122

01/09/2008

EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3711

MAIL DATE	DELIVERY MODE
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01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/810,800	JONES, MARK HAMILTON
	Examiner	Art Unit
	Vishu K. Mendiratta	3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 October 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 29-41 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 29-41 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 29-35 recites the limitation "the conventional game of roulette...decision" in claim 29. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

4. Claim 29, 30, 33-35, 36, 37, 40, 41 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fernandez (4185828).

Claim 29, 33,36: Fernandez teaches a method of playing a game of chance providing a defined set of balls carrying numbers 1 to 36, 0, and 00, placing balls in a transparent chamber (Fig.4, 6, 7), providing betting area for same indicia as on balls (6:11-49), betting on outcome as in ball numbers (6:40-42), air blower (abstract) and singulating a random ball under air current (4:18-66) and publicizing/demonstrating. Fernandez teaches playing a roulette game and clearly satisfies the probability of selecting a ball in 38 balls inherently.

Applicant might argue that Fernandez does not teach clearly teach a game table top with distinctive indicium as on balls.

Fernandez teaches use of chance selection of balls in the context of playing roulette and many other games. Fernandez also teaches placing bets on numbers as on balls (6:40-42). In order to play the game of roulette it would have been obvious to have a table with indicium as marked on balls. One of ordinary skill in art at the time the invention was made would have suggested provided a betting surface with indicium as marked on balls.

Claims 30, 37: Fernandez teaches a chute (188, Fig.4, 6, 7) in communication with the chamber for ball singulation).

Claims 35, 41: The art area recognizes roulette betting areas numbered 1, 2, 3 and in series of n+3.

Claims 34, 40: Fernandez teaches all limitations except that it does not teach whole numbers 37 or 38.

In applicant's own admission (amendment/remarks page 8 of 11) the numbers 37/38 or 0/00 are not significant, as long as the 37th and 38th balls have different numbers than 1 through 36. In order to make the game attractive to potential players, it would have been obvious to use any mark on the two additional balls. One of ordinary skill in art at the time the invention was made would have suggested marking two additional balls with any indicium including 37 and 38.

Examiner also takes the position that the probability is not affected as long as the two balls carry different indicium than first 36 balls.

The only difference resides in meaning and information conveyed by the printed matter not considered patentable Ex Parte Breslow 192 USPQ 431.

5. Claims 31,32,38,39 rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez in view of Santora (4357015).

Fernandez teaches all limitations except that they do not teach providing structure with a camera for viewing the simulating ball on display screens.

Santora teaches a camera (44) mounted above the roulette wheel (12), display screen (12) displaying the selected number.

In playing a game where the game result depends on the outcome of a random device, all players are always anxious to see the resulting random number. At times when there are a large number of players participating in the game, it becomes difficult for all players to see the spinning balls or wheel.

Santora places a camera on the spinning wheel and displaying a selected number on a monitor (28). This makes it easy on all players to see the resulting random number easily and quickly.

In order to make the game easy on players for seeing the selected number easily and quickly, it would have been obvious to place a camera structure for displaying the selected number in full view of the players.

One of ordinary skill in art at the time the invention was made would have suggested placing a camera structure on the system.

6. Claims 29-41 rejected under 35 U.S.C. 103(a) as being unpatentable over Boylan.

Claim 29, 30, 33, 35, 36, 37, and 41: Boylan teaches a tabletop (90) with a layout for placing bets according to the roulette, a transparent air blown (Fig.13) selection device for selecting balls (204), and placing wagers on a tabletop according to the numbers 1-36. Boylan also teaches at least one defined set of balls from at least 50 balls. Boylan clearly teaches numbering betting areas 1, 2, 3 and in series of $n+3$ (Fig.5) Boylan in essence teaches various game embodiments including roulette (Fig.5) and various selection devices including ball selection device (204) that are well known in the gaming art.

Boylan teaches all limitations except that it does not expressly indicate selection from balls numbered 1-36.

Boylan however discloses various possibilities of modifications and combinations of these known methodologies for creating further new games/applications (16:21-29, 18:31-19:32). Boylan also teaches possibilities of using lottery type selection process to play other games such as roulette type games (16:21-29, Fig.5)

In order to make the game appeal to players who like ball selection chance device, it would have been obvious to provide a ball selection device with balls numbered 1-36.

Claims 34, 40: The only difference between applicant's claims and Boylan is using balls with numbers 37 and 38 in lieu of balls 0 and 00.

The only differences between claimed structure and cited structure reside in meaning and information conveyed by the printed matter not considered patentable differences Ex. Parte Breslow 192 USPQ 431.

One of ordinary skill in art at the time the invention was made would have suggested any attractive indicia to attract potential players.

Claims 31, 32, 38, and 39: Examiner takes the position that all casinos have cameras to monitor all games all the time. The video cameras constantly take videos of casino tables and watch on screens in backrooms. In order to make the game playing without players or croupiers making mistakes or cheating, it would have been obvious to provide cameras and screen to effectively monitor the tables. One of ordinary skill in art at the time the invention was made would have suggested modifying claimed table to include camera and displays for monitoring game table.

7. Claims 31,32,38,39 rejected under 35 U.S.C. 103(a) as being unpatentable over Boylan in view of Santora (4357015).

Boylan teach all limitations except that they do not teach providing structure with a camera for viewing the simulating ball on display screens.

Santora teaches a camera (44) mounted above the roulette wheel (12), display screen (12) displaying the selected number.

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In order to make the game easy on players for seeing the selected number easily and quickly, it would have been obvious to place a camera structure for displaying the selected number in full view of the players.

One of ordinary skill in art at the time the invention was made would have suggested placing a camera structure on the system.

Response to Arguments

8. Applicant's arguments filed 10/23/07 have been fully considered but they are not persuasive. Applicant argues that there is no relation between Boylan and applicant's claims because the outcome is determined by four balls in Boylan as opposed to one ball in applicant's claims. Examiner takes the position that the first ball when selected by Boylan clearly demonstrates applicant's claimed game. While Boylan may not be similar to applicant's game it does teach all required limitations as claimed by applicant.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Vishu K Mendiratta
Primary Examiner
Art Unit 3711

VKM
December 28, 2007